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Response to the  
Royal Commission into Institutional Responses  
to Child Sexual Abuse:  
**Consultation Paper:**  
**Best practice principles in responding to  
complaints of child sexual abuse in  
institutional contexts**

Dr Louise Roufeil, FAPS  
Executive Manager Professional Practice  
[l.roufeil@psychology.org.au](mailto:l.roufeil@psychology.org.au)

Sophie Robinson  
Senior Adviser (Policy and Legal/  
Professional Practice)  
[s.robinson@psychology.org.au](mailto:s.robinson@psychology.org.au)

Level 13, 257 Collins Street  
Melbourne VIC 3000  
PO Box 38  
Flinders Lane VIC 8009  
T: (03) 8662 3300  
F: (03) 9663 6177  
[psychology.org.au](http://psychology.org.au)

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## Introduction

The Australian Psychological Society (APS) welcomes the opportunity to respond to the Royal Commission's *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts* (the Consultation Paper).

The approach adopted by the APS in this submission is based on a psychological perspective of the issues, and the response is drawn from the experiences of members across Australia who work in institutions that care for children, including schools, disability services and public mental health settings, as well as psychologists in independent practice who work directly with children and families.

This submission focuses on the main areas of interest raised by the Royal Commission (see p.32-34 of the Consultation Paper) as well as some additional areas of interest or concern to the APS. Specifically, the submission addresses:

- 1) The proposed best practice principles, matters that should be canvassed in a complaints handling policy and how those matters might be addressed
- 2) Oversight of complaints handling including reportable conduct schemes
- 3) Advice and support for institutions
- 4) Other issues or topics which may not be addressed in the Consultation Paper on which institutions may seek guidance
- 5) General matters to be addressed in the Consultation Paper.

This submission is further to comments made in our submission to the Royal Commission in August 2015 in response to *Issues Paper 9: Addressing the risk of child sexual abuse in primary and secondary schools*, in which the APS made various recommendations. In our response to Issues Paper 9, the APS suggested utilising a psychological lens to address the risk of child sexual abuse in schools and institutions, with a particular focus on facilitating disclosure by creating positive child-safe institutions and (school) cultures, and raising school community awareness.

In general, the APS commends the Royal Commission on a comprehensive Consultation Paper. In particular, the APS is delighted to see the inclusion of the following:

- Consideration of the Australian Children's Commissioners and Guardians, *Principles for Child Safety in Organisations* and the suggested features of a complaint process applicable to those who provide services to children<sup>1</sup>
- Consideration for the relevant provisions of the United Nations *Convention on the Rights of the Child*<sup>2</sup>, which proclaims that children are entitled to special care and assistance
- Consideration of the United Nations *Convention on the Rights of Persons with Disabilities*<sup>3</sup>, that aims to protect and promote the rights of persons with disabilities and facilitate participation and independence
- A focus on systems and processes for implementing the best practice principles.

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<sup>1</sup> Australian Children's Commissioners and Guardians (2013). *Principles for Child Safety in Organisations*. <http://www.cyp.vic.gov.au/downloads/accg-principles-for-child-safety-in-organisations.pdf>

<sup>2</sup> United Nations (1990). *Convention on the Rights of the Child*. <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>3</sup> United Nations (2008). *Convention on the Rights of Persons with Disabilities*. <http://www.un.org/disabilities/convention/conventionfull.shtml>

The APS acknowledges the inclusion of Appendix 2 to the Consultation Paper, the Australian Standards for complaints handling processes and the comment that whilst they do not deal with criminal conduct, aspects of them are applicable to institutions dealing with children. Despite this, the APS also suggests that the work done on child safe standards by the Victorian Government in implementing the *Betrayal of Trust*<sup>4</sup> report is worthy of consideration. In particular, the processes outlined for standards that should be met when responding to and reporting suspected child sexual abuse include the following:

*Standard 5: Processes for responding to and reporting suspected child abuse  
Organisations are required to develop and implement clear policies and procedures to ensure:*

- *A supportive environment for children, personnel or families who report allegations of abuse or child safety concerns*
- *Staff, volunteers, families and children know how to report abuse allegations, and feel comfortable doing so*
- *Clear policies and procedures for notifying authorities, including the police, of suspected child abuse that comply with all legal requirements*<sup>5</sup>.

The APS would also like to bring to the attention of the Royal Commission a recently released report of the Australian Institute of Family Studies that assessed the effectiveness of school-based sexual abuse prevention programs. It highlights the seriousness of child sexual abuse and the association of such abuse with "a range of adverse short and long term consequences. School age children who have experienced sexual abuse report higher rates of emotional and behavioral problems including patterns of inappropriate sexual behavior"<sup>6</sup>.

The report also makes the following points:

*Owing to its complexity, prevalence and serious consequences, comprehensive public health approaches are required in child sexual abuse prevention efforts. Multiple types of interventions are required, targeting: (i) offenders and potential offenders; (ii) children and adolescents; (iii) situations in which child sexual abuse is known to occur; and (iv) communities....School-based sexual abuse prevention programs target children and adolescents, typically by providing developmentally appropriate information about personal safety generally, and sexual abuse prevention specifically, including disseminating messages about appropriate help seeking and disclosure in the event of abuse or attempted abuse, and emphasising that children are not to blame*<sup>7</sup>.

*In undertaking this review of prevention programs directed towards children of school age, we are not suggesting that such programs can be a substitute for adults' and society's responsibility to ensure child safety. We emphasise that increasing children's knowledge in this area does not mean they are in any way*

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<sup>4</sup> Family and Community Development Committee (2013). *Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations*. Parliament of Victoria. [www.parliament.vic.gov.au/fcdc/inquiries/article/1788](http://www.parliament.vic.gov.au/fcdc/inquiries/article/1788)

<sup>5</sup> State of Victoria, Department of Health and Human Services (November 2015). *An overview of the Victorian child safe standards*. [www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards\\_p21](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards_p21).

<sup>6</sup> Walsh, K., Zwi, K., Woolfenden, S. & Shlonsky, A. (2016). Assessing the effectiveness of school-based sexual abuse prevention programs. *Family Matters*, 97: 5-15. <https://aifs.gov.au/publications/family-matters/issue-97/assessing-effectiveness-school-based-sexual-abuse-prevention-programs>

<sup>7</sup> *ibid*.

*responsible for abuse which might then occur by their not being able to apply this knowledge in an actual abuse situation*<sup>8</sup>.

The Royal Commission provides a unique opportunity to ensure that Australia has effective policies and procedures in place in order to ensure that the safety and wellbeing of children is paramount when establishing best practice principles for institutions in responding to complaints of child sexual abuse.

## **1. The proposed best practice principles, matters that should be canvassed in a complaints handling policy and how those matters might be addressed**

### *1.1 Best practice principles*

Overall, the APS supports the inclusion of best practice principles that would guide decision-making and actions in organisations responding to complaints of child sexual abuse in an institutional context. We have a number of suggestions regarding the articulation of those principles:

- **The best practice principles for a complaints process regarding child sexual abuse in an institutional context should state that the best interests of the child must always be paramount**

The Consultation Paper states in principle number 1 that an institutional culture is one that *makes decisions based on the best interests of the child and is aware of the inherent vulnerability of children in their care*. The APS commends this principle, but suggests that all six principles should articulate that best interests of the child must always be paramount, not just for the purpose of this principle. This is imperative for a strong and effective complaint response and is the approach taken by legislature to laws regarding the safety, welfare and placement of children. For example, the *Family Law Act 1975* (Commonwealth) and various state and territory pieces of legislation (regarding the safety and wellbeing of children) articulate that the best interests of children are considered paramount in actions and decision-making concerning children.

This approach would also follow Article 3<sup>9</sup> of the United Nations *Convention on the Rights of the Child* which provides that:

*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*

That is, a complaints process should state that the best interests of the child must always be paramount, rather than merely an emphasis on the fact that decisions should be made based on best interests. The latter approach may indicate that a child's interest is to be considered, but that the interests of an institution or organisation may be paramount.

All actions and decisions in responding to complaints of child sexual abuse in an institutional context should be based on a child's best interests, and the best practice

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<sup>8</sup> *ibid.*

<sup>9</sup> United Nations (1990). *Convention on the Rights of the Child*, Article 3.

principles in the Consultation Paper would be improved by the inclusion of a definition of what are the *best interests for children*. The best practice principles could stipulate that in making any decisions or taking any actions in responding to complaints of child sexual abuse in institutional contexts that the decision maker MUST have regard to the best interest principles for children. This could include the following, some of which is drawn from Victorian legislation and has been modified<sup>10</sup>:

- For the purposes of responding to complaints of child sexual abuse in an institutional context the best interests of the child must always be paramount
- When determining whether a decision or action is in the best interests of the child, the need to protect the child from harm, to protect his or her rights and to promote his or her development (taking into account his or her age and stage of development) must always be considered<sup>11</sup>
- The need to protect the child from sexual, physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence
- In determining what decision to make or action to take in the best interests of the child, consideration must be given to the following, where they are *relevant to the decision or action*:
  - The need to give the widest possible protection and assistance to the parent and child as the fundamental unit of society and to ensure that intervention into that relationship is limited to that necessary to secure the safety and wellbeing of the child
  - The need to strengthen, preserve and promote positive relationships between the child and the child's parent, family members and persons significant to the child
  - The need, in relation to an Aboriginal or Torres Strait Islander child, to protect and promote his or her Aboriginal or Torres Strait Islander cultural and spiritual identity and development by, wherever possible, maintaining and building their connections to their Aboriginal or Torres Strait Islander family and community
  - The child's views and wishes, if they can be reasonably ascertained, should be given such weight as is appropriate in the circumstances
  - The child's social, individual and cultural identity and religious faith (if any) and the child's age, maturity, sex and sexual identity
  - The desirability of allowing the education, training or employment of the child to continue without interruption or disturbance
  - The possible harmful effect of delay in making the decision or taking the action
  - Any other relevant consideration<sup>12</sup>.

Best practice principle 3 in the Consultation Paper states that "*Support should be provided for any child or adult making a complaint*". The provision of greater detail regarding where this support should come from would assist in guiding organisations in their responses to allegations of child sexual abuse.

Further, it is suggested that the best practice principles need to take into account the position of a parent or carer of a child more effectively. For example, the case studies provided in the Consultation Paper provide very clear examples of where a parent has

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<sup>10</sup> *Children, Youth and Families Act 2005* Act No. 96/2005 (VIC).  
[http://www.legislation.vic.gov.au/Domino/Web\\_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/15A4CD9FB84C7196CA2570D00022769A/\\$FILE/05-096a.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/15A4CD9FB84C7196CA2570D00022769A/$FILE/05-096a.pdf)

<sup>11</sup> *Children, Youth and Families Act 2005* Act No. 96/2005 (VIC), s10 (2).

<sup>12</sup> *Children, Youth and Families Act 2005* Act No. 96/2005 (VIC), s10 (3).

been the advocate for their child where needed. Research also highlights that children have a natural need for their parent's support and are better able to 'tell their story' when this support is provided.

- **The best practice principles should articulate decision-making principles to guide decision-making and actions in responding to complaints of child sexual abuse in an institutional context, including specific principles for Aboriginal and Torres Strait Islander children**

The Victorian legislation also has decision-making principles<sup>13</sup> that outline what types of matters need to be taken into account in decision-making for children. These principles are generally applicable to the context of an institution making decisions in response to complaints of child sexual abuse. For example, this could include that the decision-making process should be fair and transparent.

In recognition of the principle of Aboriginal and Torres Strait Islander self-management and self-determination in making a decision or taking an action in relation to an Aboriginal or Torres Strait Islander child, the best practice principles could also outline that an organisation, in responding to complaints of child sexual abuse in an institutional context, must also give consideration to specific principles. The Victorian legislation<sup>14</sup> outlines specific principles and where relevant, some of these principles could be included for a complaints handling process. This includes, *when making a decision or taking an action in relation to an Aboriginal<sup>15</sup> child, an opportunity should be given, where relevant, to members of the Aboriginal community to which the child belongs and other respected Aboriginal persons to contribute their views<sup>16</sup>.*

- **The wording in the best practice principles not to include the word 'complaint'**

The APS has received feedback from members who work with children in institutional contexts who have expressed concerns that 'disclosures', 'reports or 'concerns' from children regarding alleged sexual abuse are labelled as 'complaints'. The use of the word 'complaint' is problematic because of its potentially negative connotations and implications for victims, particularly for children who 'speak up'. If children (or adults) are seen as 'complainants' then there is a concern that they may be discouraged from disclosing abuse as they will fear it is perceived as a 'complaint'.

Further, concerns about child sexual abuse often come to light following an observation or disclosure of inappropriate behaviour rather than as a result of a 'complaint'. Where the disclosure is made by a child – either the victim, or a friend or peer of the victim – the language used is unlikely to identify the matter as a 'complaint'.

The consequences of the use of terminology such as 'complaints' are very concerning and not consistent with other information provided in the Consultation Paper regarding responding to a disclosure (for example, the need to believe the individual). Wording with fewer negative connotations is required in order to address the stigma that has historically

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<sup>13</sup> *Children, Youth and Families Act 2005* Act No. 96/2005 (VIC), s11.

<sup>14</sup> *Children, Youth and Families Act 2005* Act No. 96/2005 (VIC).

<sup>15</sup> *Children, Youth and Families Act 2005* Act No. 96/2005 (VIC), s.3 definition of "Aboriginal person" includes a person who is descended from an Aborigine or Torres Strait Islander; and identifies as an Aborigine or Torres Strait Islander; and is accepted as an Aborigine or Torres Strait Islander by an Aboriginal or Torres Strait Island community.

<sup>16</sup> *Children, Youth and Families Act 2005* Act No. 96/2005 (VIC), s12 (a).

contributed to the reluctance to report. It is of note that the authors of the Consultation Paper also recognise that "*Where the disclosure is made by a child... the language used is unlikely to identify the matter as a complaint*"<sup>17</sup>. Given this, it is recommended that the term 'complaint' is omitted. 'Allegation' might present a suitable alternative because this protects the victim from judgement as well as the potential perpetrator. A focus on a 'child rights' perspective within child safety and wellbeing policy and procedures frameworks would be more appropriate.

- **The framework of a child sexual abuse complaints handling process should be supported by an educational curriculum that includes prevention strategies for children, young people and staff working in such institutions and promote the voice of children and young people**

A complaint handling policy for child sexual abuse in an institutional context needs to sit as the endpoint of a larger piece of work that includes:

- A child sexual abuse and prevention curriculum (so that children are aware when abuse has occurred)
- Efforts to promote the voice of children and young people (so children and young people feel empowered to raise concerns), ongoing engagement with families (so they also know the process and understand why conversations may be happening about child sexual abuse within the school or institutional context)
- A safety campaign to promote the rights of children and young people to raise concerns, how to do it, and what to expect (tailored to take into account age and developmental levels and ensuring that the most vulnerable children and young people are aware and supported).

Child-to-child sexual abuse cannot be treated in the same way as adult sexual abuse of children and this will need to be differentiated in terms of the response process.

School staff are often reluctant to report signs of abuse, even when they are mandated. This is particularly the case when the signs and information are not clear-cut. This needs to be considered in the policy and accompanied by clear education and expectations.

Embedded in this 'complaint response' model is an assumption that a child would (or should) take part in the suggested 'investigation'. Any proposed principles would need to recognise the numerous barriers to children's disclosures of sexual abuse such as shame, guilt and strong emotions<sup>18</sup>, along with others outlined in the Consultation Paper. Research showing that children who have experienced child sexual abuse have difficulty telling adults about it both when the abuse is occurring and later in life<sup>19</sup> means that a child's hesitancy or decision not to participate needs to be respected. Any 'best practice principles' need to have, at the forefront, the developmental needs of the child and acknowledgement that participation is likely to be emotionally difficult.

In fact, within a school or other institution the child is most likely to tell someone what has happened in a way which is not always clear-cut or framed within the language of a complaint. Sometimes it is the child's behaviour that suggests that there may be a concern rather than the child actually stating that sexual abuse has occurred. This requires

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<sup>17</sup> Consultation Paper, p.2-3.

<sup>18</sup> Leander, L., Christianson, S. Å., & Granhag, P. A. (2007). A sexual case study: Children's memories and reports. *Psychiatry, Psychology and the Law*, 14: 120-129.

<sup>19</sup> DeVoe, E.R., & Faller, K.C. (1999). The characteristics of disclosure among children who may have been sexually abused. *Child Maltreatment*, 4: 217-227.



considerable support from a skilled and trusted person (often a school psychologist supporting the teacher or a member of the school leadership team) to gain an understanding of what has happened and who was involved.

The premise of a complaints handling process must be supported with an educational curriculum with prevention strategies for children, young people and staff working in such institutions. Processes should have a strong emphasis on institutional culture and must promote the voice of children and young people so that they have awareness that they have something to complain about, know the process for complaints, feel empowered to complain and confident of being heard and responded to, and that they have the language that will enable the person dealing with the complaint to understand what has happened and follow the process.

- **Emphasis on institutional culture in best practice principles is critical**

There should be a very strong emphasis in Sections 3.1 (Best practice principles) and 3.2 (Suggested topics of a complaint handling process) of the Consultation Paper on institutional culture, as it can be seen as the most important factor in protecting children within the care of schools and that includes making the complaint handling process child-centred. School psychologists have an important role here, and there may well be tensions created with senior staff in a school when a school psychologist is a strong advocate for the rights of a child. Institutional culture and policies can create barriers that actively mitigate against children or young people disclosing their concerns to a school counsellor and this needs to be avoided.

An example of barriers to disclosure and reporting are the policy and templates that the APS is informed are provided to non-government schools in New South Wales where the school principal is able to access the school counsellor's records of a pupil at their school. Such policies may also state that if a student is not prepared to accept that the school principal can access the school counsellor's records, then the student will need to obtain counselling services from outside the school. The APS is of the understanding from its members who work in school environments, that these policies have been widely interpreted as meaning that principals in non-government schools can access sensitive information provided by students to a school counsellor and that students will not be provided with support from a school counsellor if they do not agree with that possibility of disclosure to the principal.

The APS also understands that students in some schools must sign a disclosure form before the school counsellor discusses anything with them. We have been advised that some non-government schools have guidelines for school counsellors that prevent counselling taking place if a student even raises concerns about the limits on confidentiality. In accordance with such policies, if a student raises concerns about the limits on confidentiality or says that they do not want to have a discussion on that basis, the counsellor must not commence counselling services. Instead, the student is to be referred to counselling services that may be available external to the school.

These types of policies and processes are not conducive to children and young people disclosing sexual abuse in an institutional context such as a school, and potentially act as a disincentive to vulnerable children and young people to seek professional assistance when needed.

- **Suggestions should be included for the resourcing of a strong and effective 'complaints' process**

There is no reference in the Consultation Paper to appropriate resourcing of 'complaints'

management offices in, for example, public sector domains such as the public school systems. Whilst school leadership and principals are generally the first level of complaint handling for the public, in Victoria, for example, formal Community Liaison Officers (CLO) handle complaints from the public but are significantly under-resourced. For example, there are four equivalent full-time CLOs for the Victorian Department of Education. This often leads to long waiting lists of complainants and extensive delays in handling complaints.

### 1.2 Complaint handling policy

- **What matters should be canvassed in the complaint handling policy and how might those matters be addressed?**

The APS agrees in principle with the proposed topics and policies for handling allegations of sexual abuse to children in an institutional context and with the idea of making the 'complaint handling policy' transparent to all, but does not agree with the wording or language used. As already discussed, 'Child Safety Procedures' or 'Child Safety Standards' might be more appropriate terms for consideration rather than a *complaints handling policy*. For the purposes of this submission though, the wording used in the Consultation Paper will continue to be used for easy identification and reference.

The APS suggests that because different rules and processes currently apply in states/territories regarding who can or must make a 'complaint' in relation to child sexual abuse, that this will need to be addressed in the complaints handling policy (in section titled '*who can make a complaint*', p.18 of the Consultation Paper),

Other general comments about what should be included in a complaints policy are as follows:

- Consideration of what happens when the alleged perpetrator is a school staff member and the child attends the school. How will this be managed in terms of contact during an investigation period (e.g. should there be an automatic leave period)?
- Managing confidentiality in relation to the complaint and investigation process will need clear-cut guidelines
- How realistic is it that a school or other institution can manage an investigation related to child sexual abuse effectively? This is a highly skilled area, both in terms of supporting the child and family but also in ensuring that legal aspects are managed so that evidence is able to be used? Typically, schools are asked not to investigate beyond gathering initial information but to refer on at the earliest possible time. This could be managed at a regional level with the support of a team of people such as psychologists with specialist training
- How will the sexual abuse complaint handling policy fit within a broader complaint handling process? It seems that it has many specific features that warrant a specific response
- If a child discloses to a trusted staff member, what is the process for them to refer this through the complaint handling process? Do they support the child to do this? Do they remain involved as a support person? By whom and when are the parents, carer and family informed?
- It is possible that there may be false claims made against a staff member. How will this be managed and who will be responsible for assessing this? What follow up support will be provided to the staff member?
- How will rumors and innuendo be prevented and/or dealt with, particularly taking into account social media? Will this be covered in the policy?
- There is no mention of how training in the development of a complaints

management policy will be done, and by whom. Also there need to be clear guidelines as to the promotion of a policy and accessibility of a policy to the whole school community, including children and young people.

There is a concern that ways of responding to allegations of sexual abuse of children differ across each state/territory and that processes for responding also differ across schools, professions and institutions. In some states, each individual person is mandated to report. In other states, whilst individuals may be mandated professionally, processes within the school mean these concerns may not be reported (e.g. chain of command: a teacher reports to a senior member of staff, a senior member of staff reports to the Deputy Principal, the Deputy Principal or the Principal decide the notification is not warranted with the teacher advised to 'document' and file the concerns). These processes can mean that child protection authorities miss out on essential patterns of information relating to a child's circumstances and their safety. Streamlining reporting processes and mechanisms across states and institutions is paramount. Arguably, all institutions would benefit from training and revised training in this area. For example, in the Australian Capital Territory, psychologists are mandated to report physical and sexual abuse but not emotional abuse. Given that physical, sexual and emotional abuse can be inextricably linked, isolating one from the other is not appropriate.

Any suggestion of school principals leading the 'investigation' is also of concern to the APS. We have feedback from members who have extensive experience working in the various school sectors and environments and who are of the view that there are some principals who are capable of leading an investigation but many who lack the appropriate skills to carry out such a sensitive task. There is also an inherent tension between the sensitivity required to conduct an investigation and the position of power and authority held by the school principal. In addition, skills for 'investigating' children's responses require a high level of specific training typically undertaken by police and child protection workers. Is the intent to provide such training to principals and key school staff? Where is the inclusion of parents? If a child's 'complaints' are to be 'investigated' by a principal, it would be important for a parent or support person to be included and informed. Child protection needs to be a community responsibility.

The APS is also concerned about the 'Complaint Handling Policy' appointing a single person to respond. There is an expectation in the Consultation Paper that: if this person can demonstrate that they are impartial and objective; have no conflicts of interest; have sufficient seniority and authority; and, inform the complainant and other interested people, institutions or other agencies, then that would be appropriate. However, there is potential for human bias in any organisation. This is at odds with the expectation that a person can be 'impartial and objective' and have 'no conflict of interest'. Whilst research with educational professionals found that neither the gender of the child victim nor that of the reporter had a significant effect on reporting tendency<sup>20</sup>, other factors may impact on a person's ability to respond with impartiality or objectivity. Bearing in mind that the investigation is likely to be looking at the behaviour of a colleague with which the 'investigator' is likely to have some relationship, either within a personal or professional capacity, the decisions and procedures need to be afforded a safeguard perhaps through consultation with a team and/or external body in order to allow transparency and ensure compliance at all stages of the process.

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<sup>20</sup> Crenshaw, W.B., Crenshaw, L.M. & Lichtenberg, J.W. (1995). When educators confront child abuse: An analysis of the decision to report. *Child Abuse and Neglect*, 19(9): 1095-1113.

It is noted that the 'complaint handling policy' includes support for parents, although it is not clear 'who' would provide the support for the child.

Another concern about the complaint handling policy is that if a risk assessment is carried out, then clearly someone needs to be informed, whereas the current wording is ambiguous in this regard and implies that this is an optional step: "*considering who, if anyone, should be informed*"<sup>21</sup> might be replaced with 'inform appropriate parties'.

On page 19 of the Consultation Paper, there is reference to an 'investigation', with the person needing to have the "training, skills and experience in investigating child sexual abuse". It needs to be recognised that this is a *highly specialised* field in itself and that where there are complaints of sexual abuse, this would typically need to be 'investigated' by police or, followed through in consultation with the police or child protection authorities.

## **2. Oversight of complaints handling including reportable conduct schemes**

### *2.1 The value of independent oversight mechanisms such as reportable conduct schemes, especially for smaller institutions*

Historical examples highlight the need for accountability mechanisms to be in place that are independent of the institution. In this context, the model of the independent New South Wales Ombudsman seems sound as it provides for oversight for a reportable conduct scheme (of the complaints and investigations of allegations of child sexual abuse), that is truly independent from the institution, government and service providers. An oversight mechanism that is independent of the institution makes sense given the many sensitivities and specialist knowledge and skills required. This would support institutions such as schools to be able to focus on the school-based response while gaining support and expertise from the independent body. This is particularly important when schools are increasingly overloaded with new responsibilities and processes. It will also avoid the school staff being biased towards or against staff members and provide the school community with a level of confidence that there is independence in the process.

Other oversight bodies could include the Children's Commissioner in each state/territory, assuming they were in a position to provide for consistency across each jurisdiction. As such, the National Children's Commissioner might present the most obvious option to achieve consistency and continuity across states and territories.

Another view is that whilst operational complaints about schools can be handled from within the system (e.g. school boundaries, operational policies, enrolment issues, curriculum issues, any complaints against school leadership, teaching staff and other members of the school community), complaints about child sexual abuse occurring within an institutional context should be directed to a complaints management office external to the institution.

Other states and territories should be made to comply in the same way the New South Wales reportable conduct scheme gives the Ombudsman powers to work with agencies to build their capacity to respond to complaints of child sexual abuse. This includes scrutinising the systems for preventing reportable conduct by employees of designated

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<sup>21</sup> Consultation Paper, p.18.

government and non-government agencies and other public authorities and handling and responding to reportable allegations and reportable convictions involving those employees.

The Consultation Paper makes reference on p.33 to *Working with Children* checks and the APS is concerned that screening tools such as this are seen as 'safeguarding' children. Whilst they are one mechanism, it needs to be remembered that they are 'screening' tools only and can only indicate that the person has not been convicted of any offences in relation to children. Every person who works with children has a responsibility to report inappropriate or concerning behaviours and to be alert, whether mandated or not. The APS represents members who have worked in schools where a person's behaviour has been of sufficient concern to report but there was no conviction on record. By the same token, an experience of another APS member who worked in a school, was that of a staff member who had been previously convicted of child sexual abuse and yet there had been no warning signs at all in the current school to suggest their inappropriate involvement with children, despite that person posing a serious and unacceptable risk to children and young people. These examples highlight the limitations of the *Working with Children* check and organisations need to be aware that they should be viewed as a mechanism to assist safeguarding rather than a foolproof safeguard.

Another reason for assigning a body independent of the institution is to provide for centralised, accurate data gathering on the incidence of child sexual abuse at a national level. Similar needs have been identified at an international level, particularly within the European Union. Lalor and McElvaney<sup>22</sup> argue that reliable data are essential to inform society about the nature and prevalence of child abuse and to challenge those who deny or minimise the scale of the problem. In many regions, the secrecy and silence surrounding child abuse means that it is not widely recognised which undermines efforts at prevention, reporting and treatment.

### **3. Advice and support for institutions**

#### *3.1 How to improve institutions access to advice and support (especially smaller institutions) when responding to complaints of child sexual abuse*

The APS is of the view that a considerable amount of advice and support will be required for institutions, particularly in relation to what to look out for and how much investigation is to be undertaken (and how to do this). Therefore, a body that is available to provide consistent advice and support seems the best approach, perhaps modelled on the New South Wales Ombudsman. This may need to be complemented by specific supports from peak bodies and organisations such as the APS Professional Advisory Service (PAS) for psychologists. The PAS is staffed by senior psychologists who receive additional training to support members in determining how to respond when dealing with difficult and complex ethical, legal and professional situations such as may occur in instances of possible child sexual abuse.

Clear and simple guidelines about responding to complaints about child sexual abuse need to be developed by all government agencies, the relevant Ombudsmen's offices and the Child Commissioners and widely publicised and disseminated in a public awareness

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<sup>22</sup> Lalor, K. & McElvaney, R. (2010). Overview of the nature and extent of child sexual abuse in Europe. In Council of Europe, *Protecting children from sexual violence - A comprehensive approach*. Strasbourg: Council of Europe.

campaign. This information needs to be available to children and young people via social and other media, Kids Helpline<sup>23</sup> and other platforms easily accessed by young people.

Due to the fact that smaller institutions have limited capacity to conduct their own investigations and respond to allegations of child sexual abuse, providing them with access to advice and support could improve the quality of their response to a complaint of child sexual abuse. Such support might be obtainable from:

- Peak bodies (e.g. The Sexual Assault Support Services (SASS), the APS, the Australian & New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL)
- Government agencies (e.g. NSW Health Sexual Assault Services, the Child Wellbeing Unit for NSW Police Force)
- Oversight bodies (e.g. State Ombudsman).

One idea worthy of consideration suggested by an APS member would be to have an online platform or telephone hotline (similar to hotlines for people who are depressed or suicidal). This could be for victims or people with knowledge of an incident to report to, or just for individuals to get help/advice on the next step to take. The platform/hotline could also be a point of contact, particularly for small institutions, to get advice on situations that have arisen in their institutions. This service could be provided by relevant health, police, and workplace and education authorities/associations. The relevance of the authority or association would depend on what institution the child is in, or who made the report.

The APS has also received feedback from members that it is not safe to assume that all large organisations have access to specialised advice and support just because of their size. Large organisations such as the Catholic and the Anglican Churches may call upon senior members but this does not mean they have adequate training and can provide expert advice. Once again, a unified, consistent approach across all organisations, large or small, presents the best mechanism for ensuring correct processes are followed in safeguarding children, irrespective of an institution's size.

There is often a range of specific advice and support institutions need when responding to complaints of child sexual abuse. School psychologists are very frequently asked to support the executive leadership on matters such as:

- How/where do we make this information clear and available to all?
- Is this reportable (that is, is there enough information to make a report)?
- What more do I need to know? Do I need to know more?
- Are there other important considerations such as siblings or shared relationships?
- Who should I report to (for example, the police and/or Child Protection Authorities)?
- Where do I store this document?
- What steps should I take next?
- Who should be with the individual?
- Who do I need to inform? Who else do I need to inform?
- What steps do I need to take to ensure the child/ren's/individual's safety and wellbeing in the short and long term?
- What other follow-up might be relevant?
- Who can I speak with in order to debrief myself?

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<sup>23</sup> Kids Helpline is Australia's only free, private and confidential, phone counselling service specifically for young people aged between 5 and 25. <https://kidshelpline.com.au/>

- What further information and training do staff/volunteers/children need? Which individual/organisation can best provide this?
- Who can I share this experience with in order to promote long-term improvement across the community/organisation?

All of these matters are issues that an independent agency could support and advise institutions about when responding to complaints of child sexual abuse.

### *3.2 Options proposed for increased role for some organisations in supporting institutions respond to complaints of child sexual abuse*

- **An option for peak bodies – if so, which peak bodies would be well placed to provide advice and support to their members?**

In relation to this matter, the APS refers to our comments in section 3.1 of this submission with regard to examples of peak bodies who are well placed to provide advice and support to their members.

The APS believes that granting an enhanced role to some organisation/s to support institutions to respond to complaints of child sexual abuse has merit, but consideration must be given to which organisation/s. The organisation/s would need to have the capacity to:

- Respond appropriately and effectively to complaints of child sexual abuse
- Maintain training, support and adequate staff numbers
- Work across cultures and within different settings
- Maintain consistency in the advice and procedures suggested.

Consideration would also need to be given to:

- The availability of such organisation/s (e.g. would a 24/7 operation be required?)
- The appropriate infrastructure (e.g. would the service provide telephone, digital or face-to-face support?)
- The location of the organisation/s (international, Australia-wide, or state/territory-based or community-based).

Another key consideration is whether the organisation/s would be reputable enough and have enough 'authority' that the institutions they are supporting would be willing to comply, 'open their doors' and share matters of such sensitivity. The Royal Commission has already highlighted concerns that child sexual abuse was not reported in the past in order to protect the reputation of the institution. Some organisations such as the police and child protection agencies would appear to lend themselves more naturally to this support role given their current status within the community; however, increased and adequate resourcing for this additional role would be vital.

- **An option for government agencies that may be able to provide resources for smaller institutions, such as preparing policy templates – if so, who?**

Government agencies may not always be well placed to be able to provide resources for smaller institutions such as preparing policy templates. New South Wales-based examples

of those government agencies with the capabilities to do so are outlined in the section 3.1 of this submission.

Ainsworth<sup>24</sup> argues that Australian mandatory reporting systems are overburdened with notifications, many of which prove to be unsubstantiated. Government bodies such as child protection agencies and the police are often already so under-resourced and overwhelmed with their existing caseloads that it is difficult for them to deal with demand, frequently leading to cases where institutions such as schools are left to conduct 'investigations' and to follow their own procedures with their inherent flaws. Even factors such as 'how well the child is known' to staff can influence the extent to which concerns are followed up.

- **An option for private service providers that may provide a fee for their services – provide examples.**

The APS agrees in principle that private service providers may provide a fee for their services, so long as they are approved or agree to a uniform process and that there are strong and effective guidelines to ensure quality control.

Private service providers that may provide a fee for their services might include agencies such as Child Wise<sup>25</sup> (given their standing as a national organisation and their existing expertise in assisting organisations to provide child-safe institutions). Alternatively, the Keeping Children Safe Coalition<sup>26</sup> is a worldwide organisation with an existing range of tools and available templates.

There is a definite need for policy templates at state and territory level to assist organisations, small or large, respond to allegations of child sexual abuse in an institutional context.

- **An option for oversight bodies – if so, which oversight bodies would be best placed to advise and support institutions?**

Please refer to the response to sections 3.1 and 3.2 of this submission for examples of oversight bodies that would be best placed to advise and support institutions.

- **An option for a combination of the above as required depending on the capacity of the institution responding to the complaint**

Given that institutions that work with children have varying degrees of expertise and capacity to respond to 'complaints', a combination of approaches would seem to be the most efficient and appropriate response.

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<sup>24</sup> Ainsworth, F. (2002). Mandatory reporting of child abuse and neglect: does it really make a difference? *Child and Family Social Work*, 7: 57-63.

<sup>25</sup> *Child Wise* provides child-focused organisations with education programs on a fee for service basis. <http://www.childwise.org.au/page/17/training-programs>

<sup>26</sup> *Keeping Children Safe Coalition*. <http://www.keepingchildrensafe.org.uk/>



#### **4. Other issues or topics which may not be addressed in the Consultation Paper on which institutions may seek guidance**

The APS is of the view that institutions should also be provided with guidance on the following matters:

- Staff development and professional learning about child safety
- The development of positive child-safe cultures within schools.

Over recent years there appears to have been less focus on specific policies, procedures and practices to minimise or prevent child abuse in schools. In the 1980s and 1990s, there was an emphasis on the explicit teaching of child safety through programs such as the personal safety program *Protective Behaviours*<sup>27</sup>. These were formal professional learning programs for teaching staff, usually led by trained student services personnel or community police. They were empowering programs for children with well-designed curriculum and teaching resources. The underlying principles for both programs were that all children have a right to feel safe at all times and nothing is so awful that we cannot talk about it. Teachers received explicit training in:

- Protective interrupting
- Recognising the possible warning signs of child abuse
- Developmentally appropriate child sexual behaviour
- Dealing with disclosures, and
- Mandatory reporting.

The development of positive child-safe cultures within schools is the necessary pre-requisite to reporting and to deterring perpetrator behaviour. Such cultures can help to minimise the fear of ostracism associated with whistle-blowing, the pressures associated with the intense hierarchy that exists within schools, and concerns about appearing ridiculed if one reports a suspicious behaviour that is later unsubstantiated. The option for school staff to make an anonymous complaint (or to talk to an anonymous 'hotline') may also assist schools to overcome these barriers.

Regular, explicit and comprehensive training of school staff in the responsibilities of mandatory reporting and related legislation would also assist to mitigate against the concerns held by some teachers that anomalies in the legislation can lead to adolescents who engage in 'normal' developmental activities, particularly on-line activities, being erroneously and unhelpfully labelled as sex offenders.

- Capacity of vulnerable and disadvantaged groups to make complaints

One of the least reported areas of child sexual abuse and/or assault is the abuse of students by other students in specialist settings. The reasons for this can be complex. They can be related to, for example, the intellectual disability of the perpetrator and victim, the limited ability of victims to disclose abuse, and the reluctance of teachers to report incidents that might attract media attention or bring an educational setting into disrepute. To address this issue, the APS emphasises the need for more mandatory reporting training for all school staff, tailored for staff employed in specialist settings to tackle the issues unique to that sector.

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<sup>27</sup> *Protective Behaviours* programs. <http://www.pbaustralia.com>

Home-schooled students and students registered to study via distance education are another specific population of students who are not adequately protected by legislature, school policies or school practices pertaining to child abuse. The Home Education Association of Australia estimates that 1-2 per cent of Australian children are home schooled<sup>28</sup>. There is no mandated oversight for the teaching, learning or wellbeing for students who are home schooled. They may represent a group who are not adequately protected.

- Implementing the principles

Sections 4.1 (Creating a culture that encourages reports), 4.2 (Institutional structure and senior management) and 4.3 (Listening to children when they disclose) of the Consultation Paper are also very important and relevant to the work of school psychologists. Psychologists have a sound understanding of child and adolescent behaviour and also have knowledge of the dynamics of disclosure by students who are the subject of abuse or inappropriate behaviour. They are well placed to advise schools about child-centred policies, creating a culture that encourages reports, and about how to listen to children when they disclose.

- The need to implement prevention programs

Studies reinforce the importance of institutions developing an organisational culture where children feel comfortable about raising suspicions or concerns. Studies also reinforce the need for organisational cultures where children, parents and staff are alert to, and identify at an early stage, behaviours that are inappropriate or cause discomfort (p. 44 Consultation Paper).

Providing education and training for children, parents, community members, staff and volunteers as part of primary prevention measures is just as important, if not more so, as the need to have processes in place for responding to child sexual abuse as part of tertiary intervention measures. Some researchers argue that it is in the area of prevention programs that we should be placing our greatest efforts since they allow the conditions of risk to be minimised and measures of protection against child abuse to be developed<sup>29</sup>. Organisations are in need of clear guidance and appropriate programs to implement that promote ideas of rights, resilience, safety and seeking support, along with how frequently to deliver these programs and appropriate training to deliver them effectively. Due to their status as life-skills, elements of personal safety and *Protective Behaviours* programs<sup>30</sup> are present in every state/territory curriculum in Australia but are delivered on an ad hoc basis.

The *Protective Behaviours* program is an effective primary child abuse prevention strategy. It is a personal safety program that aims to promote resilience in children, young people, and adults, using empowerment strategies, clear communication, and awareness of 'safe' behaviours. Ultimately, the aim is to reduce violence in the community and prevent child abuse. The *Protective Behaviours* program was originally developed as a child abuse prevention program. Currently, the *Protective Behaviours* program has a much broader application, not merely focusing on abuse prevention but addressing empowerment,

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<sup>28</sup> Home Education Australia's website says that although a lack of available data makes this difficult to determine, some estimates place this at 1-2% of Australian school-aged children. <http://www.heau.edu.au/>

<sup>29</sup> Moreno-Manso, J., & García-Baamonde Sánchez, M.E. (2014). *Application of a child abuse prevention programme in an educational context. Anales De Psicología, 30(3)*: 1014-1024. doi:<http://dx.doi.org/10.6018/analesps.30.3.154231>

<sup>30</sup> Protective Behaviours programs. <http://www.pbaustralia.com>

communication, self-esteem, resilience, social skills and other life skills. By teaching and promoting these concepts, *Protective Behaviours* helps to prevent abuse, reduce violence and promote life-enriching rather than life-depleting experiences. It encourages people to:

- Assert their right to feel safe
- Listen to what their body tells them
- Follow up by taking action to either solve problems on their own or to seek assistance from other people.

Fiorvanti and Brassard<sup>31</sup> highlight intervention programs based around the rights of the child in “*recognition that a broad conceptualisation of child protection as proactive and preventive is the only viable approach for promoting positive child development*”. Such approaches are in alignment with the approach to child abuse adopted by the Royal Commission. More specifically, Brassard and Fiorvanti<sup>32</sup> provide an analysis of a range of child abuse prevention programs and the factors that make these effective. Adequate training was again highlighted as a primary factor of importance. Other research points to the effectiveness of the *Protective Behaviours* program for vulnerable children such as those with disabilities, along with disaffected students<sup>33</sup>. A wide range of resources and parent information leaflets already exist to help identify concerns regarding sexual behaviour, such as the *Traffic Lights System* developed by Family Planning Queensland,<sup>34</sup> and these have been adopted internationally by *Parents Protect*<sup>35</sup> in countries such as the United Kingdom. The *Traffic Lights System* supports the position that professionals and others should know how to identify and respond to sexualised behaviours in children and young people and protect them from harm or abuse.

A range of universal, evidence-based based programs exist for increasing resilience and coping with adversity in general, although a drawback of these generic programs in preventing child sexual abuse is that they do not provide reference to personal safety or support-seeking. Examples include *The Friends Programs*<sup>36</sup> for the prevention of anxiety and depression and from an international perspective, *Zippy’s Friends*<sup>37</sup>.

## 5. General matters to be addressed in the Consultation Paper

The APS makes the following comments in relation to the Consultation Paper generally and refers to specific sections of the Consultation Paper as referenced.

### 1.2 Terminology

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<sup>31</sup> Fiorvanti, C. M., & Brassard, M. R. (2014). Advancing child protection through respecting children's rights: A shifting emphasis for school psychology. *School Psychology Review*, 43(4): 349-366.

<sup>32</sup> Brassard, M. R. & Fiorvanti, C. M. (2015). *School-based child abuse prevention programs*. *Psychology in the Schools*, 52: 40–60. doi: 10.1002/pits.21811

<sup>33</sup> Rose, J. (2004). Protective behaviours: Safety, confidence and self-esteem. *Journal of Mental Health Promotion*, 3(1): 25-29.

Harper, G., Hopkinson, P., & McAfee, J.G. (2002). Protective behaviours: A useful approach in working with people with learning disabilities. *British Journal of Learning Disabilities*, 30: 149-152.

Pardon, J. (1999). Group-work and Protective Behaviours: Supporting pupils in a Northants secondary school. *Young Minds*, 43:13-15.

<sup>34</sup> Sexual behaviours in children and young people: A guide to identify, understand and respond to sexual behaviours, The *Traffic Lights System* developed by Family Planning Queensland.

<http://www.fpgteachers.com.au/wp-content/uploads/2014/06/Traffic-Lights-Sexual-Behaviours-6pages.pdf>

<sup>35</sup> *Parents Protect*. <http://www.parentsprotect.co.uk/>

<sup>36</sup> *The Friends Programs*. <https://www.friendsprograms.com/>

<sup>37</sup> *Zippy’s Friends*. <http://www.partnershipforchildren.org.uk/zippy-s-friends.html>

## *'Investigation'*

The paper highlights that: "*For the purposes of this paper, 'investigation' does not include a police investigation*", and therefore identifies a defining line; where an investigation is required, and when it should be conducted by the appropriate authorities, particularly given the ramifications for evidence that may be admissible in court and the Royal Commission's observation that: "*In a number of case studies the institution did not report allegations of criminal conduct to the police*" (p.4 Responding to Complaints, Consultation Paper).

In terms of practical responses conducted within institutional settings, it is important to distinguish between 'investigations' that are required to be conducted by police and/or child protection agencies and 'risk assessments' that may be conducted within an organisation to collect further information pertaining to a disclosure, particularly where it is not clear whether the disclosure warrants further 'investigation' by the appropriate authorities.

## **Responding to complaints of child sexual abuse**

### *Identification of a 'Complaint'*

It is to be noted that an identified 'complaint' could also include the non-verbal communication referred to earlier, for example, a child acting in an unusual manner or withdrawing noticeably in the presence of a particular individual.

### *Investigation*

In order to clearly delineate between an 'investigation' carried out by authorities and 'information gathering' carried out by institutions, alternative terminology needs to be adopted.

### *Maintain Records*

This needs to distinguish between an 'investigation' carried out by an institution in order to avoid confusion with police investigations that may be necessary. Records maintained should also make mention of names and identify items discussed as well as actions to be taken.

### *Complete root cause analysis*

The Consultation Paper indicates that the institution will review the circumstances of the complaint and the outcome to identify systemic factors that might have contributed to the incident. Debriefing for affected staff may be appropriate at this time.

### *Monitor and review*

In order to provide for accountability, the review and revised policies need to be discussed with an external agency or organisation. This would provide the further safeguard that appears to have been missing in the past.

## **1.3 Our Work so Far**

### **Child safe organisations**

The APS questions whether the Australian Children's Commissioners and Guardians

(ACCG) definition of a 'child safe organisation' is the only framework we can draw upon and whether it is sufficiently comprehensive.

In addition to the 2005 National Framework for Creating Safe Environments for Children and the 2013 Australian Children's Commissioners and Guardians (ACCG) Principles for Child Safety in Organisations, it is suggested the following frameworks also be considered:

- The United Nations, *Convention on the Rights of the Child*<sup>38</sup> (as articulated later in the Consultation Paper p.10-11)
- The National Safe Schools Framework<sup>39</sup>
- Child Protection legislation in all Australian states and territories
- Relevant state and territory guidelines for working with children and young people, including guidelines developed by Legal Aid authorities<sup>40</sup>.

## 2.5 Other obligations

### Exchange of Information

Exchange of information should occur from year to year, school to school, state to state/territory, organisation to organisation and is paramount in ensuring that:

- Relevant information about children's safety and welfare is shared appropriately in a timely and effective manner
- Appropriate individuals are monitored or prevented from working with children or vulnerable young people.

## 4. Implementing the principles

### 4.1 Creating a culture that encourages reports

This section of the Consultation Paper states that "*At the heart of good complaint handling is a strong child safe culture that makes it clear child sexual abuse will not be tolerated*"<sup>41</sup>.

To ensure a child-friendly environment, perhaps this section could also make reference to themes of safety and support, particularly to assist in the promotion of a culture of safety and transparency within an organisation across every level, that is, from child to parent, maintenance staff to manager. As previously mentioned, the well-regarded themes from the *Protective Behaviours Program*<sup>42</sup>, are considered appropriate and could be included such as:

- *Theme 1: We all have the right to feel safe all of the time*
- *Theme 2: Nothing is so awful that we can't talk about it with someone*<sup>43</sup>.

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<sup>38</sup> United Nations (1990). op.cit.

<sup>39</sup> The *National Safe Schools Framework* provides Australian schools with a vision and a set of guiding principles that assist school communities to develop positive and practical student safety and wellbeing policies. <https://www.education.gov.au/national-safe-schools-framework-0>

<sup>40</sup> For example, Queensland Legal Aid has *Guidelines for working with children and young people*. <http://www.legalaid.qld.gov.au/About-us/Policies-and-procedures/Best-practice-guidelines/Guidelines-for-working-with-children-and-young-people>

<sup>41</sup> Consultation Paper, p20.

<sup>42</sup> The *Protective Behaviours program*. <http://www.pbaustralia.com/>

<sup>43</sup> ibid

The same 'language' and transparency is important to 'encouraging children to report behaviours that make them feel uncomfortable' 'or unsafe'.

### **4.3 Listening to children when they disclose**

Children may also partly disclose in order to 'test the waters' or 'withdraw' a disclosure after it is made. It is important, once again, for adults to reiterate the child's right to feel safe and to reinforce the adult's responsibility to ensure that children are safe thus reinforcing the idea that it is 'okay to tell'. At this point, the adult might reinforce with the child a network of safe people within the home, school and community that they could access if they felt uncomfortable or unsafe. Whilst it is noted that this is addressed in appendix 4 of the Consultation Paper, it also needs to be made clear at this point.

### **4.5 What to do if the police are investigating**

The following statements in this section of the Consultation Paper are very clear:

*For the purpose of this Consultation Paper, it is sufficient to say that generally institutions should report to the police when they believe the conduct constitutes a criminal offence.*

*...any investigatory steps taken by the institution might interfere with the police investigation or undermine possible criminal proceedings<sup>44</sup>.*

It is recommended that these messages be reinforced more consistently throughout any responses and processes involving allegations of child sexual abuse within an institutional context.

### **4.7 Types of Complaints**

#### *Child to Child Sexual Abuse*

The same 'Exchange of Information' (as outlined above in response to comments on 2.5 of the Consultation Paper) rules would appear relevant here as a child's behaviour in one context (e.g. out of home care, holiday programs, before and after school care) may have ramifications for the safety of children in other settings (e.g. school, sports, camp, bus travel etc.).

#### *Unsubstantiated and False Complaints*

Another area that may need to be addressed here is that within child protection or school settings, it is not uncommon to receive allegations from one parent describing concerns regarding sexual abuse towards their child, often with the other (separated) parent as the alleged perpetrator. This may occur where custody disputes are current within court settings. How organisations should respond to such allegations needs to be considered.

### **4.8 Provision of Support**

#### *Advocacy and support for victims and survivors*

The following alternate wording is suggested:

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<sup>44</sup> Consultation Paper, p23.

- The phrase “*making sure the victim or survivor is safe*”<sup>45</sup> might be better worded as “taking steps to support the victim and promote their safety” as it is not possible to be absolutely sure of a victim or survivor’s safety
- The phrase “*offering a trusted adult, independent support person and/or advocate to assist them*”<sup>46</sup> needs to include reference to ‘parents’, particularly for young children. Whilst the importance of parents is clearly stated on p.45 of the Consultation Paper, the involvement of parents needs to be made more explicit here.

## 6. Conclusions

This submission has focused on the need for a strong and effective process for handling ‘complaints’ of child sexual abuse occurring in institutional contexts. The process needs to be supported by an educational curriculum that includes prevention strategies for children, young people and staff working in such institutions, with a strong emphasis on institutional culture. The inclusion of such features, along with the imperative to always act in the best interests of the child must be paramount in best practice principles.

The best practice principles must also articulate principles to guide decision-making and actions in responding to complaints of child sexual abuse in an institutional context, including specific principles for Aboriginal or Torres Strait Islander children.

Psychologists have a sound understanding of child and adolescent behaviour and also have knowledge of the dynamics of disclosure by children and young people in schools (and other institutions) who are the subject of abuse or inappropriate behaviour. Psychologists are well placed to advise schools and institutions about child-centred policies, creating cultures that encourage reporting, and facilitating conversations and cultures where children are listened to when they disclose.

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<sup>45</sup> *ibid*, p.26

<sup>46</sup> *ibid*, p.27